



Appeal Decision

Site visit made on 13 January 2026

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th April 2026

Appeal Ref: APP/W1525/W/25/3371993

6 The Gallops, Park Lane, Ramsden Heath, Billericay, Essex CM11 1NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Emma Holly against the decision of Chelmsford City Council.
 - The application Ref is 25/00765/FUL.
 - The development proposed is change of use of land to residential garden, and erection of a garden room.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to residential garden, and erection of a garden room at 6 The Gallops, Park Lane, Ramsden Heath, Billericay, Essex CM11 1NN in accordance with the terms of the application, Ref 25/00765/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site is part of a recent housing development. The application form gives the site address as the former Park Lane Riding School and explains that the site is 'Plot 5' which did not appear to be registered. I have therefore used the address given on the decision notice and appeal form, which give a registered site address of 6 The Gallops.
3. The garden room had been constructed at the time of my site visit and appeared to be in accordance with the submitted drawings, however the proposed landscaping had not been implemented. I shall therefore proceed with the appeal on this basis.

Main Issues

4. The main issues are:
 - whether or not the development would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (2024) (the Framework), including its effect upon the openness of the Green Belt; and
 - the effect of the development on biodiversity and ecology.

Reasons

Green Belt

5. Paragraphs 154 and 155 of the Framework establish that development in the Green Belt is inappropriate except in certain circumstances. Policies DM6, DM10, S1 and S11 of the Chelmsford Local Plan (2020) (LP) are consistent with the Framework, insofar that they seek to prevent inappropriate development in the Green Belt.
6. Policy DM6 also sets out exceptions for development in the Green Belt, which mostly follow the wording of the exceptions in the Framework. However, the exception in part B of Policy DM6, for the redevelopment of previously developed land (whether redundant or in continuing use and excluding temporary building/s) where the proposed development would not have a greater impact on the openness of the Green Belt, uses wording from a previous version of the Framework. This exception was amended in paragraph 154(g) of the 2024 Framework, where the redevelopment of previously developed land should not cause substantial harm to the openness of the Green Belt, instead of the previous 'greater impact'.
7. The appeal site lies within the land given planning permission in 2017 for six dwellings¹ and I have no evidence before me to suggest that the land was not lawfully developed. The committee report provided indicates that it replaced a commercial riding school, with the area around the garden room formerly comprising an area of hardstanding used as a car park. Based on the evidence before me the site therefore meets the definition of previously developed land as set out in the Framework.
8. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visual aspects, so that both the visual impact of the proposal and its size may be relevant². The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
9. Prior to the construction of the garden room, the appeal site was free of buildings. As such, the garden room has resulted in an unavoidable reduction in the openness of the Green Belt. However, given the, in context, modest size of the garden room, the nearby barn to the south-west of the site and the residential nature of the group of properties in The Gallops, the harm to the openness of the Green Belt would be limited.
10. I have been referred to appeals which were dismissed for the retention and relocation of an outbuilding at 6 The Old Nursery, Wickford³. The parties in that case agreed that none of the Green Belt exceptions applied to the developments. Moreover, the outbuilding was constructed on garden land and thus it is unclear whether the site would have constituted previously developed land. For these reasons the appeals at 6 The Old Nursery are not directly comparable to the scheme before me, which has been determined on its own merits.

¹ Planning application ref. 17/00079/FUL

² Planning Practice Guidance, Paragraph: 013 Reference ID: 64-013-20250225

³ Appeal refs. APP/W1525/C/23/3318425, APP/W1525/C/23/3318426 & APP/W1525/W/23/3314482

11. The proposal would therefore conflict with LP Policy DM6, as the garden room has a greater impact on the openness of the Green Belt. However, paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, paragraph 232 of the Framework states that, where a development plan was adopted before the publication of the Framework, its policies should be given weight according to their degree of consistency with the Framework. As the 2024 Framework contains relevant and up-to-date national planning policy, I attach greater weight to the provisions of the Framework.
12. Part A of LP Policy DM10 relates to the change of use of land and buildings in the Green Belt. However, Part A only refers to the use of land within the curtilage of a building being converted. There is no proposed change of use of the garden room, and as such Policy DM10 is not determinative in this case.
13. The garden room does not cause substantial harm to the openness of the Green Belt, and therefore it meets the exception in paragraph 154(g) of the Framework. The garden room and proposed change of use would therefore not be inappropriate development for the purposes of the Framework. There would also be no conflict with LP Policies DM10, S1 and S11, insofar as they seek to protect the Green Belt and its openness.

Biodiversity and ecology

14. The landscape proposals would provide a biodiversity net gain when compared to the previous area of hardstanding at the appeal site. I note that the appellant's Biodiversity Net Gain Assessment does not make reference to any wildflower grassland as secured as part of the development of The Gallops. Nevertheless, given the extent of the proposed landscaping, I have no reason to doubt that the landscape proposals would provide a biodiversity net gain compared to the wildflower grassland which would be displaced as a result of the scheme. Moreover, the Council acknowledges that the measures could support local species.
15. Section 72(1)(a) of the Town and Country Planning Act 1990 (as amended) allows for conditions to be imposed for regulating the development or use of any land under the control of the appellant, whether or not it is land in respect of which the appeal is made. As such the implementation and retention of the landscaping scheme within the blue-line boundary on the submitted drawings could be secured by a condition.
16. Domestic activity, including light levels, would increase at the appeal site as a result of the siting of the garden room. However, this would only involve a modest area and is near to adjacent dwellings at the Gallops and the barn, and its access road, to the south-west of the site.
17. No substantive evidence has been submitted which demonstrates the presence of great crested newts at the appeal site. Photographs submitted show badger activity and the entrance to a badger sett, however the exact dates and locations of where these photographs were taken are unclear. Furthermore, it is stated that the badger sett was created in the twelve months prior to the date of the representation, however the application form states that the garden room was constructed more than twelve months before, in September 2024. This suggests

that the entrance to the sett has been dug out and used after the construction of the garden room. I therefore have little substantive evidence before me that the construction of the garden room has adversely affected badgers or their setts. Any interference to protected species is also covered by separate specific legislation.

18. For these reasons, subject to securing and implementing the proposed planting and habitat improvement measures the scheme would avoid harm to biodiversity or ecology. The development would therefore accord with LP Policies S4 and DM16, insofar as they require development to conserve and enhance the natural environment, to conserve the network of habitats, avoid negative impacts on biodiversity, and deliver a net gain in biodiversity where possible.

Other Matters

19. The windows of the garden room face towards mature trees and vegetation which prevents any loss of privacy to neighbouring properties. The use of the area immediately outside the garden room does not result in any significant increase in overlooking, given the existing low-level boundary treatments between the dwellings.

Conditions

20. The Council has suggested a series of conditions, which I have considered against the tests set out in the Framework and Planning Practice Guidance. In some cases, I have edited the suggested condition to improve precision and enforceability.
21. I have attached a condition specifying the approved plans to provide certainty.
22. In the interests of biodiversity and the character and appearance of the area, a condition is imposed to ensure that landscaping scheme is implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the landscaping scheme before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
23. To prevent inappropriate development in the Green Belt and in the interests of the character and appearance of the area, conditions are necessary to restrict the use of the garden room only for purposes incidental to the appeal dwelling is necessary, and to remove permitted development rights for extensions and alterations to the dwelling and for outbuildings in line with the 2017 permission.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

D Ellis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out and retained in accordance with drawings: 04 Proposed Block Plan; Proposed Plans and Elevations; Soft Works drawing number 1471-01.
- 2) Unless the landscaping scheme shown on drawing no 1471-01 is implemented by 31 May 2027, the garden room shall be demolished and the residential use of the land around the garden room and the path leading from the existing garden area shall cease within a further six months. All materials resulting from the demolition and equipment and materials brought onto the land for the purposes of the residential use shall be removed immediately after the demolition, until such time as the scheme is implemented.

Upon implementation of the landscaping scheme shown on drawing no 1471-01, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 3) The building hereby permitted shall not be used other than for purposes incidental to the dwelling known as 6 The Gallops.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, D and E of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.

End of schedule